

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

STANDING COMMITTEE ON)	Case No. 08cv1575-WQH (BLM)
DISCIPLINE,)	
)	ORDER FOLLOWING HEARING
Petitioner,)	
)	
v.)	
)	
CHRISTIAN DE OLIVAS,)	
)	
Respondent.)	
_____)	

On October 5, 2009, this Court issued an order setting a telephonic case management conference for October 14, 2009 at 2:00 p.m. Doc. No. 20. At the designated time on October 14, 2009, this Court convened the scheduled conference. William E. Grauer of Cooley Godward Kronish, LLP and Daniel Eaton of Seltzer Caplan McMahon Vitek appeared on behalf of the Discipline Committee. Respondent Christian De Olivas did not participate in the conference. The Court therefore ordered Mr. De Olivas to appear in person to show cause why sanctions should not be imposed. Doc. No. 22. The Court also set a status hearing regarding Mr. De Olivas' compliance with the September 24, 2008 settlement agreement he entered into with the Discipline Committee. Id. The hearing on the above matters was scheduled for November 10, 2009 at 2:00

1 p.m.

2 In advance of the hearing, Mr. De Olivas filed a declaration
3 regarding the imposition of sanctions in which he stated that "he did
4 not receive notice of [the telephonic case management] conference."
5 Doc. No. 23. He also filed a declaration attesting to his compliance
6 with the terms of the settlement agreement. Doc. No. 24. Thereafter,
7 the Discipline Committee filed a response to Mr. De Olivas'
8 declarations. Doc. No. 27. The Discipline Committee expressed serious
9 concerns about Mr. De Olivas' communication systems and his readiness
10 to return to practice in the Southern District of California. Id.
11 Accordingly, it made the following recommendations to the Court:

12 1. Extend the suspension for an additional six months, to end March
13 24, 2010;

14 2. During the extended period of suspension, require Mr. De Olivas
15 to attend in-person an additional 15 hours of live MCLE programing in
16 legal ethics, with monthly reports of his progress sent to the Committee
17 via Mr. Eaton;

18 3. Impose and extend the terms of the Probationary Period set forth
19 in paragraphs 4 and 5 of the September 24, 2008 order to a period of one
20 year, beginning March 24, 2010;

21 4. Require that Mr. De Olivas establish and maintain at least two
22 functional means of receiving communication at his law office;

23 5. Continue to retain jurisdiction over this matter; and

24 6. Such other relief that this Court may deem proper if it
25 determines that Mr. De Olivas misrepresented the status of his
26 competition of the MCLE requirements of the suspension order.

27 Id.

28 On November 10, 2009, the Court held a hearing on the above

1 matters. Mr. Eaton appeared on behalf of the Discipline Committee and
2 Mr. De Olivas appeared on behalf of himself. At the hearing, Mr. De
3 Olivas affirmed that he never received notice of the October 14, 2009
4 telephonic case management conference. The Court accepts Mr. De Olivas'
5 representations and **DECLINES** to impose sanctions for his failure to
6 attend the October 14, 2009 status hearing. However, because Mr. De
7 Olivas acknowledged continuing problems with his electronic
8 communication systems, the Court **ORDERS** Mr. De Olivas to investigate the
9 reasons behind this and to file a declaration on or before November 17,
10 2009 detailing his investigation and the actions he has taken to ensure
11 that future electronic correspondence will be received.

12 With respect to compliance with the settlement agreement, Mr. De
13 Olivas reiterated that he fully complied with the terms of the
14 settlement agreement. He also explained that he used his laptop
15 computer at work to take the on-line CLE courses. The Discipline
16 Committee did not present contradictory evidence but continued to
17 express its concern regarding whether Mr. De Olivas complied with the
18 letter, and spirit, of the settlement agreement. To verify Mr. De
19 Olivas' compliance, the Court **ORDERS** Mr. De Olivas to obtain all the
20 available information from the MCLE class provider regarding the CLE
21 classes he completed, including the start and completion times for each
22 course, and to file a declaration explaining and attaching the results
23 on or before November 17, 2009. In this declaration or an accompanying
24 brief, Mr. Olivas also may present any arguments or information in
25 response to the Discipline Committee's recommended sanctions. The
26 Discipline Committee may file a response on or before December 1, 2009.
27 Mr. De Olivas may file a reply to the Discipline Committee's response
28 on or before December 8, 2009. A hearing will be held on December 14,

1 2009 at 2:00 p.m. before the Honorable Barbara L. Major in Courtroom H.
2 Mr. De Olivas and counsel for the Discipline Committee must appear in
3 person.

4 **IT IS SO ORDERED.**

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6 DATED: November 16, 2009

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8 BARBARA L. MAJOR
9 United States Magistrate Judge
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